

198741

PAPERWORK REDUCTION ACT SUBMISSION

NHTSA-01-8677-527

1. Agency/Subagency originating request National Highway Traffic Safety Administration/US DOT		2. OMO control number a. 2 1 2 7 -- 0 6 1 6 b. <input type="checkbox"/> None	
3. Type of information collection (check one) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OME control number For b-f, note item #2 of Supporting Statement instructions		4. Type of review requested (check one) a. <input checked="" type="checkbox"/> Regular b. <input type="checkbox"/> Emergency-Approval requested by / / c. <input type="checkbox"/> Delegated	
		5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> NO	
		6. Requested expiration date a. <input checked="" type="checkbox"/> Three years from the approval date b. <input type="checkbox"/> Other. / /	
7. Title Reporting of Information and Documents About Potential Defects-Retention of Records 49 CFR Part 579			
8. Agency form number(s) (if applicable) None Required			
9. Keywords Imports, Motor Vehicle, Safety, Reporting and Recordkeeping Requirements			
10. Abstract Mandated by the TREAD Act, motor vehicle and equipment manufacturers must report information and submit documents that may assist NHTSA to promptly identify defects related to motor vehicle safety.			
11. Affected public (Mark primary with "P" and all others with "X") a. Individuals or households d. Farms b. P Business or other for-profit e. Federal Government c. Not-for-profit institutions f. State, Local, or Tribal Government		12. Obligation to respond (Mark primary with "P" and all others with "X") a. Voluntary b. Required to obtain or retain benefits c. P Mandatory	
13. Annual reporting and recordkeeping hour burden a. Number of respondents 23,609 b. Total annual responses 444 1. Percentage of these responses collected electronically 100 % c. Total annual hours requested 240,284 d. Current OMB inventory 234,631 e. Difference 5,653 f. Explanation of difference 1. Program change 2. Adjustment 5,653		14. Annual reporting and recordkeeping cost burden (in thousand of dollars) a. Total annualized capital/startup costs \$73,134 b. Total annual cost (O&M) 1,945 c. Total annualized cost requested 75,079 d. Current OME inventory 70,369 e. Difference 4,710 f. Explanation of difference 1. Program change 2. Adjustment 4,710	
15. Purpose of information collection (Mark primary with "P" and all others that apply with "X") a. Application for benefits e. Program planning or management b. Program evaluation f. Research c. General purpose statistics g. P Regulatory or compliance d. Audit		16. Frequency of recordkeeping or reporting (check all that apply) a. <input checked="" type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input checked="" type="checkbox"/> Reporting 1. <input checked="" type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input checked="" type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe)	
17. Statistical methods Does this information collection employ statistical methods? <input type="checkbox"/> Yes <input type="checkbox"/> No		18. Agency contact (person who can best answer questions regarding the content of this submission) Name George Person Phone (202) 366-5210	

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9.

NOTE: The test of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. The *certifications* to be made with reference to those regulatory provisions as set forth in the instructions.

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It uses plain, coherent, and unambiguous language that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention periods for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3) about:
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (Voluntary, required for a benefit, or mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in item 19 of the instructions);
- (i) It uses effective and efficient statistical survey methodology (if applicable); and
- (j) It makes appropriate use of the information technology.

If you are unable to certify compliance with any of these provisions, identify the item below and explain the reason in item 18 of the Supporting Statement.

Signature of Senior Official or designee	Date
 sa	9-30-02

SUPPORTING STATEMENT
FOR 49 CFR Part 579

Reporting of Information and Documents about Potential Defects
Retention of Records That Could Indicate Defects

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information

The Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act was enacted on November 1, 2000, Public Law 106-414. This Act includes a requirement that the National Highway Traffic Safety Administration (NHTSA) conduct Early Warning Reporting (EWR) rulemaking to require manufacturers of motor vehicles and motor vehicle equipment to submit information, periodically or upon NHTSA's request, that includes claims for deaths and serious injuries, property damage data, communications to customers and others, information on incidents resulting in fatalities or serious injuries from possible defects in vehicles or equipment in the United States or in identical or substantially similar vehicles or equipment in a foreign country, and other information that would assist NHTSA in identifying potential safety-related defects. The intent of this legislation is to provide early warning of such potential safety-related defects. On January 22, 2001, an Advance Notice of Proposed Rulemaking (ANPRM) issued by NHTSA, was published in the Federal Register; on December 21, 2001, a Notice of Proposed Rulemaking (NPRM), issued by **NHTSA**, was published in the Federal Register; and on July 10, 2002 the Final Rule, issued by NHTSA, was published in the Federal Register. In addition, this collection supports the Department of Transportation's Strategic goal in safety, by working towards the elimination of transportation related deaths and injuries.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate actual use the agency has made of the information received from the current collection.

The information sought by NHTSA in the Final Rule will be used to promptly identify potential safety-related defects in motor vehicles and motor vehicle equipment in the United States. If a trend in incidents arising from a potentially safety-related defect is discovered, NHTSA will rely on this information in deciding whether or not to open a formal defect investigation. NHTSA is authorized to conduct such investigations by Title 49 U.S.C. Chapter 301 – Motor

Vehicle Safety. This collection will not begin until 2003, so there is no current collection from which information has been received.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

NHTSA anticipates that all of the collection of information will involve the use of electronic technology. Most of the required data is to be submitted using electronic filing of standard format spreadsheets; and copies of documents, where required, will be submitted using standard graphics image transfer in most cases. NHTSA's Office of Defects Investigation (ODI) is currently engaged in a project to develop a new data system for its operations, and a key part of this data system is the functional capability to receive electronic transfer of EWR data. This will include an Internet data repository through which the reports can be submitted. At this time, full details of this system are not finalized; however, it is believed that most manufacturers will have the capability to utilize electronic submission of the data. NHTSA plans to closely coordinate the design of the data system to accommodate manufacturers' needs. If a manufacturer does not have the capability to utilize electronic submission, alternatives will be provided, including electronic forms on NHTSA's web site.

4. Describe efforts to identify duplication. Show specifically why **any** similar information already available cannot be used or modified for use for the purposes described in item 2 above.

As the only government entity responsible for ensuring motor vehicles and equipment are free of safety-related defects, NHTSA is or will be the only governmental entity requiring manufacturers to submit this information. Therefore, there will be no duplication of this data submission and the information is not already available.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

The Final Rule provides that manufacturers of fewer than 500, as well as manufacturers of motor vehicle equipment other than tires and child restraint systems, will be exempt from most of the reporting requirements, and will be required to report only claims and notices of deaths caused by possible defects in their products. Child restraint and tire manufacturers will be required to provide full reports. Of the nine manufacturers of child restraints currently operating, three are small businesses. All manufacturers of tires are large businesses. NHTSA is attempting to minimize the reporting burden for all manufacturers,

regardless of size, by utilizing electronic data transfer technology described in the response to Question 3 above.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

The information is essential to the implementation of EWR. Without it, the objectives of the TREAD Act cannot be achieved. These include reducing the number of motor vehicle crashes, and the number of associated injuries and deaths by providing early warning of safety-related defects. While there are no technical or legal obstacles to reducing the burden, quarterly reporting is required because the frequency of reporting affects the timeliness of the action that could be taken to avoid motor vehicle crashes, injuries and fatalities caused by safety-related defects.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.6.

The procedures specified for these data collections are fully consistent with the guidelines set forth in 5 CFR 1320.6. The Final Rule specifies that the periodic reports are to be submitted quarterly. ODI's current policy on Information Requests (IR) made during the course of its formal investigations is to require that information be submitted 30 days or more following receipt of the request, and ODI's policy requires the submission of an original and only one copy of the response. Manufacturers currently are required to retain records, under 49 CFR ~~Part~~ 576, Record Retention (OMB clearance number 2127-0042), which would be used to prepare these information submissions, for a period of five years. This information collection is not in connection with a statistical survey, does not require the use of any statistical data classification whether or not reviewed or approved by OMB, does not include any pledge of confidentiality other than that already established in statute or regulation, and does not require submission of proprietary trade secrets or other confidential information other than information for which protection from disclosure is already provided for by statute or regulation.

8. Provide a copy of the Federal Register document soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format, and on the data elements to be recorded, disclosed, or reported.

A request for comments on the information collection was published in the Federal Register on June 25, 2002, Volume 67 page number **42843** through 42846, and a copy of that notice is included as Attachment 3. A summary of the comments received in response to that notice follows — complete copies of each of the comments are found in Attachment 4.

The Truck Trailer Manufacturers Association (TTMA)

TTMA submitted information suggesting that NHTSA's estimate of the number of trailer manufacturers that would have greater reporting requirements (NHTSA estimated eight) should be 30, based on an article published in Trailer/Body Builders magazine in February 2002. While NHTSA notices that the count of trailer manufacturers producing greater than 500 units in the year 2000 was actually 29, NHTSA will revise its estimate to reflect the TTMA recommendation. In that same submission, TTMA requests that NHTSA revise its threshold for the greater reporting requirements to 2,500 units annually, resulting in reducing the number of trailer manufacturers with the greater reporting requirements to 15. That request will be dealt with during reconsideration of the rule and if the request is adopted, this information collection will be revised accordingly.

The National Truck Equipment Association (NTEA)

NTEA commented in a petition for reconsideration of the rule dated August 9, 2002, “. . . we have been told by one manufacturer . . . they plan on having to hire one full time employee. . . .” It also disagreed with ~~an~~ earlier statement made by NHTSA which was not made in the context of the published burden estimate for this information collection that “small businesses subject to this regulation's requirements will currently be capable of preparing and transmitting these reports to NHTSA without investing in new equipment;” however, NTEA did not provide an estimate of the cost of that equipment. In a later submission dated August **23**, 2002, NTEA estimated that “there may be as many as 250 final stage manufacturers or alterers producing a total of 500 or more vehicles per year.” This estimate is substantially higher than NHTSA's estimate of 87 manufacturers. NTEA did not provide a basis for its estimate, and **NHTSA** is reluctant to increase its estimate by so great ~~an~~ amount without substantiation. Accordingly, NHTSA will continue to rely on its estimate of the number of vehicle manufacturers with relatively extensive reporting requirements. The issue in the petition for reconsideration was NTEA's request for NHTSA to raise the threshold for the relatively extensive reporting requirement from 500 or more vehicles per year to 2,500 or more vehicles per year. NTEA estimated that 25 manufacturers would then be required to submit the more extensive reports. If NHTSA grants that request following the petition consideration, we will submit a revised information collection.

The Truck Manufacturers Association (TMA)

TMA commented on the issue of confidentiality of the data contained in the information collection. Its position is that the TREAD Act provided that none of the information shall be disclosed unless the Secretary determines that the disclosure will assist in carrying out NHTSA mandate. NHTSA recognizes TMA's concern about public disclosure of the data. That issue is currently under consideration by NHTSA and will be decided at a later date.

The Rubber Manufacturers Association (RMA)

RMA submitted a petition for reconsideration of the EWR final rule; however, it contained no comments specifically relative to the information collection. It did discuss the confidentiality issue raised by TMA.

The Recreation Vehicle Industry Association (RVIA)

RVIA submitted a petition for reconsideration of the EWR final rule, and it stated that it will respond to NHTSA's request for public comment on the recordkeeping and reporting burdens pursuant to the Paperwork Reduction Act. However, except for a comment that "the expected man-hour and financial costs that will result... could likely be disproportionately burdensome," it provided no specific comments relative to the information collection.

The Juvenile Products Manufacturers Association, Inc. (JPMA)

JPMA submitted a petition for reconsideration of the EWR final rule and a comment on the proposed information collection. It commented that among its members, 6 would be required to submit reports, but that not all manufacturers were among its members. Accordingly, NHTSA will continue to use its estimate of 10 child restraint manufacturers.

The Alliance of Automobile Manufacturers (The Alliance)

The Alliance submitted a document stating that it was to serve both as a petition for reconsideration of the EWR final rule and as a response to the request for public comment on the recordkeeping and reporting burdens associated with the rule. However, it did not contain any specific comments relevant to the information collection recordkeeping and reporting burdens.

The Center for Regulatory Effectiveness (CRE)

CRE commented that the information collection should require that NHTSA collect the "data needed to verify basic information" and that "OMB... should prohibit NHTSA from routinely releasing Early Warning data to the public, including in response to FOIA requests." No comments on the burden and cost of the recordkeeping and reporting were included.

General Motors Corporation (GM)

GM requested reconsideration of the requirement to provide historical field reports based on the burden of reviewing and recoding these documents and estimated that it would take “multiple labor years just to compile the historical report.” It did not provide any more specific estimate of the cost or burden of that task. Since the NHTSA estimate for the burden of the first year start-up for the type of vehicles likely to be reported by GM was 765,664 hours or over 382 labor years, NHTSA believes that its estimate is adequate to include GM’s estimate.

The National Association of Trailer Manufacturers (NATM)

NATM commented that among its member companies, 154 indicated that they manufacture more than 500 units per year and would therefore be included in the group with relatively extensive reporting requirements. This is substantially more than NHTSA’s estimate of 8 large trailer manufacturers. NATM petitioned for reconsideration requesting that manufacturers of trailers of less than 26,000 lbs. gross vehicle weight rating be counted as small manufacturers with the lesser reporting requirements. One of NATM’s member firms estimated that the start-up cost would be \$202,051.60 and the start-up burden to be 134 hours. Also, the recurring annual cost was estimated to be \$145,430.60 and the recurring annual burden was estimated to be 1360 hours. If these cost and burden estimates were assumed to be consistent for each of the 154 respondents, the total start-up cost and burden would be \$31,115,946.40 and 20,636 hours, and the recurring annual cost and burden would be \$22,396,312.40 and 209,440 hours.

While NHTSA is not able to reconcile these estimates from the information submitted, it recognizes that this segment of the industry may have been underrepresented in its estimates of the recordkeeping and reporting burden. NHTSA will consider the alternatives in the course of evaluating the petition for reconsideration. In the event that no changes are made to the final rule upon reconsideration, NHTSA will attempt to validate NATM’s estimates and will provide ~~an~~ an amendment to the information collection as appropriate.

Additionally, meetings discussing aspects of the EWR rule and data submission were held with representatives of different industry and public groups on March 21, 2002, March 26, 2002, April 9, 2002, and September 24, 2002. Copies of documents memorializing those meetings are found in Attachment 5, except for the September 24 meeting for which the transcript has not yet been prepared. Also included in Attachment 5 is a memorandum describing a phone call on August 16, 2002.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

No payment or gift will be given to any respondent.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

No specific assurance of confidentiality will be provided to respondents by NHTSA. An existing NHTSA regulation, 49 CFR Part 5 12, Confidential Business Information, provides an opportunity for respondents to request protection of confidential business information. NHTSA is currently in the process of considering amendments to that regulation. If personal identifiers should appear in documents submitted, or if manufacturers request confidential treatment of business information, NHTSA will assure confidentiality as appropriate.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

No questions of a sensitive nature are involved in this information collection.

12. Provide estimates of the hour burden of the collection of information.

The final rule specifies two groups of manufacturers who must report information to NHTSA. In the first group the agency estimates that there will be 109 respondents providing information to the agency, consisting of 16 light vehicle manufacturers, 12 medium and heavy vehicle manufacturers, 19 bus manufacturers, 30 trailer manufacturers, 12 motorcycle manufacturers, 10 tire manufacturers and 10 child restraint manufacturers. Responses from these manufacturers would be required four times a year (quarterly).

In the second group, there were an estimated 23,500 manufacturers that would rarely, if ever, report information to the agency. These manufacturers include manufacturers of motor vehicles that sold fewer than 500 vehicles in the United States, manufacturers of original motor vehicle equipment, and manufacturers of replacement motor vehicle equipment other than child restraints or tires. This second group would be only required to report information in the rare event that they received a claim or notice about an incident involving a death alleging or proving that the death was caused by a possible defect in the manufacturer's product. We estimated only 8 such incidents would need to be reported per year from that entire group.

The annual hours of burden of the information collection are estimated to be 680,837 hours in the first year and 20,007 hours in the second and third years. The average over the first three years would be 240,284 hours of burden.

The hours of burden were estimated based on three primary factors. First, information was submitted to the docket by the Alliance. This information included specific burden hour estimates for inputting historical data. These estimates were extended to other manufacturers. Second, based on the average number of vehicles involved in recalls from NHTSA data and the Alliance data, this information was extended to other manufacturers to estimate the number of documents they would be reporting on each year. Third, the agency estimated the minutes per document that the manufacturers would spend determining what category a particular item belonged in and entering that data into their data systems. The cost associated with burden hours is \$8,409,940 (\$35 x 240,284).

The following table shows the burden hours by vehicle sector for the final rule.

Information Collection Burden Hours

	First Year	Second Year	Third Year	Average for the First 3 Years
Light Vehicles	390,330	10,463	10,463	137,089
Medium/Heavy Vehicles/Buses	129,984	3,270	3,270	45,508
Trailers	17,775	2,681	2,681	7,712
Motorcycles	36,290	1,261	1,261	12,937
Tires	53,375	1,189	1,189	18,584
Child Restraints	53,051	1,111	1,111	18,424
Equipment Manufacturers	20	20	20	20
Manufacturers with under 500 vehicle sales per year	12	12	12	12
Total	680,837	20,007	20,007	240,284

13. Provide estimates of the total annual cost to the respondents or recordkeepers resulting from the collection of information.

The annual costs associated with the information collection are estimated to be \$75,079,344 in the first year and \$1,945,026 in the second and third years. The average cost over the first three years is \$26,323,132.

The costs were estimated based on three factors. First, information was supplied to the docket by the Alliance. This information included specific cost estimates for the computer start-up stage. These estimates were extended to other manufacturers based on the Alliance estimates and specific estimates from manufacturers. Second, based on the average number of vehicles involved in

recalls from NHTSA data and the Alliance data, this information was extended to other manufacturers to estimate the number of documents that would be reported on each year. Third, the agency estimated the manufacturers' cost per document that the manufacturers would spend.

The following tables show the costs by vehicle sector for the information collection. Total first year costs can be calculated by adding the start-up costs and the annual costs.

Information Collection Costs

	First Year Start-up	First Year	Second Year	Third Year	Average for the First 3 Years
Light Vehicles	\$47,589,345	\$885,653	\$885,653	\$885,653	\$16,748,768
Medium/Heavy Vehicles/Buses	7,923,069	359,508	359,508	359,508	3,000,531
Trailers	6,117,019	304,294	304,294	304,294	2,343,300
Motorcycles	6,414,524	141,899	141,899	141,899	2,280,074
Tires	2,046,836	127,203	127,203	127,203	809,482
Child Restraints	3,043,216	122,781	122,781	122,781	1,137,186
Equipment Manufacturers	193	2,305	2,305	2,305	2,369
Manufacturers with under 500 vehicle sales per year	116	1,383	1,383	1,383	1,422
Total	\$73,134,318	\$1,945,026	\$1,945,026	\$1,945,026	\$26,323,132

14. Provide estimates of the annualized costs to the Federal government.

The information will be entered into the data system that is being developed by OD and subsequently analyzed. NHTSA estimates that the annualized cost of processing the information will be \$550,000 for contract personnel for database support and \$110,000 for PC and network support.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-1.

Comments from TTMA, described in response to Question 8 above, indicated that the number of trailer manufacturers which would be required to report should be

30 instead of NHTSA's estimated 8, and NHTSA agreed to accept the comment. Accordingly, the burden hours and cost increased for the trailer industry segment.

16. For collections of information whose results are planned to be published for statistical use, etc.

This collection of information will not have results published. It is anticipated that some of the submitted data will be made available to the public under the Freedom of Information Act, through NHTSA's Technical Information Division and through NHTSA's web site.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

Approval is not sought to not display the expiration date for OMB approval.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-1.

No exceptions to the certification statement are made.

Description of Relief Sought: On April 23, 2002, a summary of this petition was published in the Federal Register (67 FR 19795) with the incorrect docket number (FAA-2002-11565). The exemption, if granted, would permit Franklin P. Toups to take a single check ride to obtain his ATP and instrument rating.

Issued in Washington, DC, on May 20, 2002.

Donald P. Byrne,

[FR Doc. 02-15982 Filed 6-24-02; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD-2002-12536]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel IN THE MOOD.

SUMMARY: As authorized by Public Law 105-383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Public Law 105-383 and MARAD's regulations at 46 CFR part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before July 25, 2002.

ADDRESSES: Comments should refer to docket number MARAD-2002-12536. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL-401, Department of Transportation, 400 7th St., SW., Washington, DC 20590-0001. You may also send comments electronically via the Internet at <http://dmses.dot.gov/submit/>. All comments will become part of this docket and will be available for inspection and copying

at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR-832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202-366-2307.

SUPPLEMENTARY INFORMATION: Title V of Public Law 105-383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

Vessel Proposed for Waiver of the U.S.-Build Requirement

(1) Name of vessel and owner for which waiver is requested. *Name of vessel:* IN THE MOOD. *Owner:* Don and Judith AM Durant.

(2) Size, capacity and tonnage of vessel. *According to the Certificate of Documentation:* Gross tonnage: 36; Net tons: 28; Length: 42.3; Breadth: 15; Depth: 8.5.

(3) Intended use for vessel, including geographic region of intended operation and trade. *According to the applicant:* "The intended use is to offer training in the operation of single engine trawler yachts and crewed charters for six passengers or less. The proposed area of navigation is United States Pacific coastal and inland waters from the Mexican border to and including Alaska, no more than 200 miles offshore."

(4) Date and Place of construction and (if applicable) rebuilding. *Date of construction:* 1985. *Place of construction:* Taiwan, ROC.

(5) A statement on the impact this waiver will have on other commercial

passenger vessel operators. *According to the applicant:* "The vessel owners own and operate Club Nautique, a California corporation engaged in offering operator training, bareboat and crewed charters, and other yacht services. Club Nautique currently offers operator training and charters in semi-displacement trawler yachts. The company would like to offer training and charters in full displacement trawlers, but knows of none suitable for the purpose built by U.S. boat yards. The applicant * * * believes the granting of a waiver will have little or no impact on other commercial passenger vessel operators."

(6) A statement on the impact this waiver will have on U.S. shipyard. According to the applicant: "The applicant believes the granting of the waiver will have little or no impact on U.S. shipyards, as no domestic yacht builders are currently offering a vessel of this type."

Dated June 19, 2002.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 02-15996 Filed 6-24-02; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 2001-8677; Notice 2]

Reports, Forms, and Recordkeeping Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Request for public comment on proposed collection of information.

SUMMARY: Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on the proposed collection of information.

This document describes a proposed collection of information under the "early warning reporting" provisions of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act and related recordkeeping provisions, for which NHTSA intends to seek OMB approval.

DATES: Comments must be received on or before August 26, 2002.

ADDRESSES: Comments must refer to the docket and notice numbers cited at the

beginning of this notice and be submitted to Docket Management, Room PL-401, 400 Seventh Street SW., Washington, DC 20590. The Docket is open on weekdays from 9:30 a.m. to 5 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. George Person, Office of Defects Investigation, NHTSA, 400 Seventh Street, SW., Room 5326, Washington, DC 20590. Mr. Person's telephone number is (202) 366-5210.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA), before an agency submits a proposed collection of information to OMB for approval, it must publish a document in the Federal Register providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulations (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following:

- (i) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- (ii) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions;
- (iii) How to enhance the quality, utility, and clarity of the information to be collected; and
- (iv) How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

On December 21, 2001, NHTSA published a Notice of Proposed Rulemaking (NPRM) (66 FR 66190) in which it proposed to implement section 3(b) of the TREAD Act by requiring manufacturers of motor vehicles and motor vehicle equipment to submit certain information to aid NHTSA in promptly identifying possible safety-related defects. NHTSA is currently reviewing and analyzing the comments submitted in response to the NPRM and is developing its final rule, which may include revised requirements.

In compliance with PRA requirements, NHTSA is asking for public comment on the collections of information proposed in the NPRM, including proposed recordkeeping

provisions. If the final rule is issued before the end of the 60-day comment period for this notice, it would be helpful if the comments in response to this notice addressed the requirements adopted in the final rule.

Reporting of Information and Documents About Potential Defects; Retention of Records That Could Indicate Defects

Type of Request—New Collection.

OMB Clearance Number—None.

Requested Expiration Date of Approval—Three years from effective date of final rule.

Summary of Collection of Information—Section 3(b) of the TREAD Act, codified at 49 U.S.C. 30166(m), provides for NHTSA to adopt rules that will require manufacturers of motor vehicles and motor vehicle equipment to submit certain information to NHTSA, including information about claims and notices about deaths and serious injuries, property damage data, communications to customers and others, and information on incidents resulting in fatalities or serious injuries from possible defects in vehicles or equipment in the United States or in identical or substantially similar vehicles or equipment in foreign countries. The statute also authorizes NHTSA to require the submission of other data that may assist in the identification of safety-related defects in vehicles and equipment. The agency issued an NPRM on December 21, 2001 (66 FR 66190) in which it proposed reporting and recordkeeping requirements to implement this section of the statute.

Description of the Need for the Information and Proposed Use of the Information—The intent of the legislation is to provide NHTSA with "early warning" of potential safety-related defects in motor vehicles and motor vehicle equipment. NHTSA will rely on the information provided under this rule (as well as other relevant information) in deciding whether to open defect investigations.

Description of the Likely Respondents (Including Estimated Number and Proposed Frequency of Responses to the Collection of Information)—All manufacturers of motor vehicles and motor vehicle equipment would be required to comply with quarterly reporting requirements. As discussed in detail in the NPRM, larger manufacturers of vehicles (those that produce, import, or sell 500 or more units annually in the United States), and all manufacturers of child restraint systems and tires, would be required to provide information about incidents

identified in claims and notices involving deaths (and injuries in the United States). They would also have to report the number of property damage claims, consumer complaints, warranty claims, and field reports that address certain specified systems and components of their products. We estimate that 87 manufacturers fall within this group of relatively large manufacturers.

All other motor vehicle and motor vehicle equipment manufacturers would only have to report information about incidents identified in claims and notices involving deaths. We estimate that 23,500 manufacturers would all within this group of smaller vehicle manufacturers and equipment manufacturers (other than tire or child restraint manufacturers).

All manufacturers (in both categories) would be required to submit copies of all documents sent or made available to more than one dealer, distributor, or owner in the United States with respect to consumer advisories, recalls, or activities involving the repair or replacement of vehicles or equipment. However, almost all of these documents must already be submitted to NHTSA under an existing regulation. See 49 CFR 573.8, which implements 49 U.S.C. 30166(f).

Estimate of the Total Annual Reporting and Recordkeeping Burden of the Collection of Information in the NPRM

The first group of approximately 87 manufacturers with relatively extensive quarterly reporting requirements would consist of 16 light vehicle manufacturers, 12 medium and heavy vehicle manufacturers, 19 bus manufacturers, 8 trailer manufacturers, 12 motorcycle manufacturers, 10 tire manufacturers, and 10 child restraint system manufacturers.

The second group of approximately 23,500 manufacturers would rarely, if ever, have to report information to the agency. This group includes manufacturers of motor vehicles that sold fewer than 500 vehicles in the United States, manufacturers of original motor vehicle equipment, and manufacturers of replacement motor vehicle equipment other than child restraint systems or tires. This second group would be only required to report information in the rare event that they received a claim or notice about an incident involving a death alleging or proving that the death was caused by a possible defect in the manufacturer's product. We estimated only 8 such incidents would need to be reported per year from that entire group.

NHTSA estimated the annual hours of burden under the NPRM proposals to be 957,004 hours in the first year and 18,041 hours in the second and third years. The first-year total consists of 938,963 first year start-up hours plus 18,041 first year reporting hours. Of the 938,963 hours, 596,760 hours are associated with computer start-up activities and 342,203 hours are to provide the historical data. The average burden over the first three years would be 331,030 hours.

In late 2001, NHTSA made some preliminary estimates of the burdens associated with the NPRM proposals. These were discussed in the preamble to the NPRM and in a Preliminary Regulatory Evaluation (PRE), which was issued at the same time and was available to the public. Several interested persons commented on those estimates in their comments on the NPRM. In addition, the Alliance of Automobile Manufacturers (Alliance), which represents most of the large light vehicle manufacturers, submitted supplemental estimates of the costs and burden hours associated with the NPRM requirements. The estimates in this notice have taken these comments into account.

The hours of burden were estimated based on three primary factors. First, NHTSA considered the specific burden hour estimates associated with the various NPRM requirements that were provided by the Alliance and modified them where appropriate. Second, based on the average number of vehicles involved in recalls in 1996–2001, and a

comparison of the number of recalled vehicles by the Alliance members with non-Alliance manufacturers, we extrapolated the Alliance-based numbers to estimate the number of documents that the non-Alliance manufacturers would have to report on each year. Third, the agency estimated the number of minutes per document that the manufacturers would spend determining what category a particular item belonged in and entering that data into their data systems. The agency assumed 5 minutes per document, except for foreign reports on deaths, which were assumed to take 15 minutes per document. Burden hours were determined by multiplying the minutes per document times the number of documents.

The total burden varied by manufacturer depending upon the number of documents that would have to be reviewed. Because the second group of manufacturers would be reporting so infrequently, we assumed that the report of each incident would be prepared manually, and that it would take four hours to determine what was required and to prepare the report. Thus, we estimated that the second group of manufacturers would spend 32 burden hours per year to report information on 8 incidents per year.

Estimate of the Total Annual Costs of the Collection of Information in the NPRM

The annual costs associated with the NPRM are estimated to be \$88,580,141 in the first year and \$1,721,877 in the

second and third years. The average cost over the first three years would be \$30,674,631. In the first year, start-up costs (including reprogramming computers) are estimated to be \$65,300,000, the costs to report on historical information are estimated to be \$21,558,264, and the costs to report on information for the first year are estimated to be \$1,721,877.

The costs were estimated based on the factors discussed in the prior section, using estimates for the wage rates per hour for the skill levels for each type of activity that would be required. Wage rates, including overhead, were provided by the Alliance in a doclet submission.

The total cost varied by manufacturer depending upon the number of documents that must be reviewed. Based on the assumptions described above, we estimated that the second group of manufacturers would spend \$3,642 per year to report information on 8 incidents per year.

Summary Tables for Burdens and Costs Under the Requirements Proposed in the NPRM

The following tables show the burden hours and costs under the NPRM proposals by type of manufacturer. First year start-up burden/costs include computer start-up costs as well as the costs of gathering and reporting historical information. Total first year burden/costs can be calculated by adding the start-up burden/costs and the annual burden/costs.

ESTIMATED BURDEN HOURS UNDER THE NPRM

	First year start-up	First year	Second year	Third year	Average for the first 3 years
Light Vehicles	441,251	10,463	10,463	10,463	157,547
Medium/Heavy Vehicles	254,432	1,440	1,440	1,440	86,251
Buses	69,981	1,830	1,830	1,830	25,157
Trailers	7,520	715	715	715	3,222
Motorcycles	59,153	1,261	1,261	1,261	20,979
Tires	52,186	1,189	1,189	1,189	18,584
Child Restraints	54,440	1,111	1,111	1,111	19,258
Equipment Manufacturers	0	20	20	20	20
Manufacturers with under 500 vehicle sales per year	0	12	12	12	12
Total	938,963	18,041	18,041	18,041	331,030

ESTIMATED COSTS UNDER THE NPRM

	First year start-up	First year	Second year	Third year	Average for the first 3 years
Light Vehicles	\$53,559,321	\$885,653	\$885,653	\$885,653	\$18,738,760
Medium/Heavy Vehicles	12,744,973	153,203	153,203	153,203	4,401,527
Buses	5,799,669	206,305	206,305	206,305	2,13,528
Trailers	1,819,016	81,145	81,145	81,145	37,484
Motorcycles	7,710,608	141,899	141,899	141,899	2,112,102

ESTIMATED COSTS UNDER THE NPRM—Continued

	First year start-up	First year	Second year	Third year	Ave age for the first 3 years
Tires	2,046,836	127,203	127,203	127,203	1109,482
Child Restraints	3,177,531	122,781	122,781	122,781	1,81,958
Equipment Manufacturers	193	2,305	2,305	2,305	2,369
Manufacturers with under 500 vehicle sales per year	116	1,383	1,383	1,383	1,422
Total	86,858,263	1,721,877	1,721,877	1,721,877	30,674,631

As stated above, the final rule implementing the early warning reporting requirements may be issued before the end of the 60-day comment period for this collection of information. If this should occur, it would be helpful if the public comments in response to this notice reflect the requirements adopted in the final rule. All comments will be taken into account in NHTSA's Supporting Statement to OMB (that accompanies OMB Form 83-I) to request clearance for this collection of information.

Authority: 44 U.S.C. 3506(c); delegations of authority at 49 CFR 1.50 and 501.3(c).

Issued on: June 19, 2002.

Kenneth N. Weinstein,
Associate Administrator for Safety Assurance.

[FR Doc. 02-15904 Filed 6-24-02; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 2002-12528; Notice 1]

Uniroyal Goodrich Tire Manufacturing, Receipt of Application for Decision of Inconsequential Noncompliance

Uniroyal Goodrich Tire Manufacturing (Uniroyal) has determined that approximately 3,023 P235/70R16 BFGoodrich Radial Long Trail do not meet the labeling requirements mandated by Federal Motor Vehicle Safety Standard (FMVSS) No. 109, "New Pneumatic Tires."

Pursuant to 49 U.S.C. 30118(d) and 30120(h), Uniroyal has petitioned for a determination that this noncompliance is inconsequential to motor vehicle safety and has filed an appropriate report pursuant to 49 CFR part 573, "Defect and Noncompliance Reports."

This notice of receipt of an application is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the application.

During the period of the 8th through the 10th and the 12th through the 14th weeks of 2002, the Ardmore, Oklahoma plant of Uniroyal Goodrich Tire Manufacturing produced and cured a number of tires with erroneous marking.

FMVSS No. 109 (S4.3(d)) requires that each tire shall have permanently molded the generic name of each cord material used in the plies (both sidewall and tread area) of the tire. (S4.3(e)) requires that each tire shall have permanently molded into or onto both sidewalls the actual number of plies in the sidewall, and the actual number of plies in the tread area if different.

The noncompliance with S4.3(d) and (e) relates to the mold number. The tires were marked: Tread Plies: 2 Polyester + 2 Steel + 1 Nylon, instead of the required marking of Tread Plies: 2 Polyester + 2 Steel.

Uniroyal states that of the total (3,023) tires produced, 1,460 have been isolated and will be brought into compliance or scrapped. Uniroyal does not believe that this marking error will impact motor vehicle safety because the tires meet all applicable Federal Motor Vehicle Safety performance standards, conform to the original specifications, and the noncompliance is one solely of labeling.

Interested persons are invited to submit written data, views, and arguments on the application described above. Comments should refer to the docket number and be submitted to: U.S. Department of Transportation, Docket Management, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590. It is requested that two copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date, will also be filed and will be considered to the extent possible. When the application is granted or denied, the notice will be published in the Federal Register pursuant to the authority indicated below. Comment closing date: (30 days after Publication Date).

(49 U.S.C. 301118, 301120; delegation of authority at 49 CFR 1.50 and 501.8)

Issued on: June 20, 2002.

Stephen R. Kratzke,
Associate Administrator for Safety Performance Standards.

[FR Doc. 02-15998 Filed 6-24-02; 8:48 am]

BILLING CODE 4910-59-P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Office of Hazardous Materials Safety; Notice of Applications for Exemptions

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of applicants for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor Vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before July 25, 2002.

ADDRESS COMMENTS TO: Records Center, Research, and Special Programs, Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the exemption application number.

FOR FURTHER INFORMATION: Copies of the applications [See Docket Number] are available for inspection at the New Docket Management Facility, PL-401, at